

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STRIKE 3 HOLDINGS, LLC, : Case No. 1:21-cv-03965-PAC
Plaintiff, :
vs. :
JOHN DOE subscriber assigned IP address :
108.29.45.190, :
Defendant. :
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**MOTION FOR LEAVE TO SERVE A THIRD PARTY
SUBPOENA PRIOR TO A RULE 26(f) CONFERENCE**

Pursuant to Fed. R. Civ. P. 26(d)(1), and upon the attached: (1) Memorandum of Points and Authorities in support of this motion; (2) Declaration of David Williamson in support of this motion; (3) Declaration of Patrick Paige in support this motion; and (4) Declaration of Susan B. Stalzer in support of this motion, Strike 3 Holdings, LLC (“Plaintiff”), respectfully moves for entry of an order granting it leave to serve a third party subpoena on Verizon Fios, prior to a Rule 26(f) conference (the “Motion”). A proposed order is attached for the Court’s convenience.

Dated: 05/11/2021

Respectfully submitted,

By: /s/ Jacqueline M. James
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. Since Defendant's identity is unknown, I was unable to send a copy of the foregoing documents to Defendant or Defendant's counsel at this time.

By: /s/ Jacqueline M. James

5/19/2021

The Plaintiff's Rule 26(d)(1) motion to serve a third party subpoena on Verizon Fios is GRANTED without prejudice. Inasmuch as Verizon or any other interested party wishes to narrow the scope of the subpoena or raise any legal arguments against its compliance, it may elect to do so, in which event this order shall automatically terminate. Additionally, should Verizon elect to charge Plaintiff for the costs of production, it shall provide a billing summary and cost report to Plaintiff. SO ORDERED.

